

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL
DISTRICT.

OAH CASE NO. 2011010031

ORDER DENYING MOTION TO
AMEND COMPLAINT

On December 31, 2010, Student filed a Due Process Hearing Request (complaint) against the Bakersfield City School District (District). On January 12, 2011, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). The District did not submit a response.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i)(II).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

Student's complaint contains 17 issues for hearing, and Student requests to add an 18th issue. However, Student failed to submit a single document that contained all 18 issues, but rather only included the new issue in the motion to amend and requested that this issue be added to the complaint. Student needs to re-file the motion to amend and include a proposed amended complaint that contains all 18 issues for hearing. Therefore, the motion to amend is denied without prejudice. Student may file a new motion accompanied by a proposed amended complaint that contains all of his issues for hearing.

IT IS SO ORDERED.

Dated: January 21, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.